

22cv8847

19CR521

SECOND DECLARATION OF PETER BRIGHT

I, Peter Bright, being competent to make this declaration and having personal knowledge of the matters stated herein, declare pursuant to 28 U.S.C. § 1746: I am the same Peter Bright who was the defendant in United States versus Peter Bright, and who is the movant in the proceeding under 28 U.S.C. § 2255 which is being instituted by the motion this declaration supports.

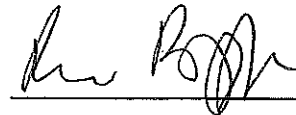
I was represented on appeal by Daniel Habib, Federal Defenders of New York.

I spoke to Habib on the telephone or via video conferencing on a number of occasions in late 2020, throughout 2021, and into 2022, to discuss the appeal of my conviction. In-person meetings were not possible due to restrictions on access to attorneys imposed by New York MCC due to the COVID-19 pandemic.

Early in development of my appeal, Habib asked me ehshy issues occurred during my trial that would warrant attention in an appeal. I told him about the impact of COVID-19 on jury deliberations. After investigating th trial record, however, Habib informed me that it was not sufficient to raise this issue, and that I should raise it, if necessary, as a § 2255 ground. He explained further that in § 2255 proceedings the record can be expanded to include information not present in the trial record.

Feeling that the COVID-19 issue was nonetheless a strong argument for appeal, I raised it repeatedly on subsequent calls with Habib. Each time he offered the same opinion and rationale.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 13th day of April 2023 in Petersburg, VA.


Peter Bright

